IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.1108 OF 2007

M/s.S.M.Construction & Anr. ..Petitioners.
Versus
The State of Maharashtra.
and 2 Ors. ..Respondents.

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Mr.Deepak Chitnis, Adv. i/b. Deepak Chitnis - Chiparikar & Co. for the Petitioners.
Mrs.Teja Katdave, Adv. for Respondent No.3.
Mrs.A.S.Pai, APP, for Respondent Nos.1 & 2.

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CORAM : R.M.S.KHANDEPARKAR AND SMT.V.K.TAHILRAMANI,JJ.

DATED : OCTOBER 31, 2007.

P.C.:-

1. Heard the learned Advocate for the Petitioners. By the present Petition, the petitioners are seeking police protection to the petitioners so as to enable the petitioners to construct compound wall around the property. The petitioners are seeking such relief on the basis that there is illegal disturbance or attempt to demolish the construction of the compound wall or there may be an attempt to demolish the compound wall which will be constructed by the petitioners.

2. Undisputedly, there is no judicial pronouncement confirming title and/or possession of the petitioners in relation to the property in question. Unless the petitioners are armed with such a declaration and further by necessary injunctive relief against the person who is interested in causing such obstruction to the petitioners, question of granting any police protection for the purpose of construction of compound wall cannot arise and certainly not in writ jurisdiction. The petitioners have alternate efficacious remedy available under the provisions of the Specific Relief Act read with the provisions of Code of Civil Procedure and, therefore, question of grant of such relief in writ jurisdiction does not arise. Hence, Petition is rejected.

[R.M.S.KHANDEPARKAR,J.]

[SMT.V.K.TAHILRAMANI,J.]